

Part 3  
CL12-1002

# CONSUMER LITIGATION ASSOCIATES, P.C.

ATTORNEYS AND COUNSELORS AT LAW

A PROFESSIONAL CORPORATION

**HAMPTON ROADS OFFICE:**  
763 J. Clyde Morris Blvd. Suite 1-A  
Newport News, Virginia 23606

**NORTHERN VIRGINIA OFFICE:**  
1800 Diagonal Road  
Alexandria, Virginia 22314

Robin A. Abbott, Esquire  
rabbottlaw@msn.com  
(757) 930-3660 Phone  
(757) 930-3662 Facsimile

REPLY TO: HAMPTON ROADS OFFICE

April 13, 2012

**Via Hand Delivery**

Linda Batchelor Smith, Clerk  
Hampton Circuit Court  
PO Box 40  
Hampton, VA 23669-0040

Re: Sebrena Y. Tucker v. U.S. Bank National Association, as Trustee  
For the Structured Asset Securities Corporation Mortgage Pass-  
Through Certificates, 2006-EQ1, et al

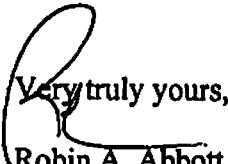
Dear Mrs. Smith:

Please find enclosed a Complaint and Notice of Hearing and Motion for Temporary Injunction that I would ask you to file with the Court. My firm check is enclosed representing your filing fees. **There is a hearing scheduled before Judge Jones at 10:30 a.m. Monday morning, April 16, 2012. Accordingly, I would ask that once the Complaint is filed, to immediately send the file to Judge Jones' chambers in anticipation of Monday's hearing.**

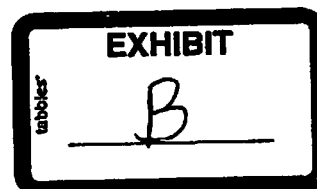
Service of Complaint will be made by private process server and through the Secretary of the Commonwealth. Once the papers are ready for service, please call for pick-up.

Also enclosed is a Notice of Lis Pendens which I would ask that you immediately put to record among the land records for the City of Newport News. My firm check is enclosed for the recordation costs.

Thank you for your assistance. As always, should you have any questions or need additional information regarding this matter, please do not hesitate to contact me directly. With kind regards, I remain

Very truly yours,  
  
Robin A. Abbott

RAA/bms  
Enclosures  
cc: Stephen Wood, Esquire (via facsimile)



BOOKED  
CITY OF HAMPTON, VA  
PAGE#

2012 APR 13 PM 1:03

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON, PART III**

**SEBRENA Y. TUCKER,**

Plaintiff,

v.

Case No.: \_\_\_\_\_

**U.S. BANK NATIONAL ASSOCIATION,  
et al.,**

Defendants.

**AFFIDAVIT OF ROBIN ABBOTT**

1. My name is Robin Abbott. I am counsel for the Plaintiff, Sebrene Y. Tucker.
2. I am an attorney licensed and authorized to practice law in the Commonwealth of Virginia.
3. The Defendants have initiated foreclosure proceedings against Plaintiff's residence which foreclosure is scheduled for April 16, 2012, at 12:05 p.m.
4. On Thursday, I contacted the Trustee, by and through its attorney, Stephen Wood, of the law firm of Bierman, Ward and Wood, LLC, via telephone call, and requested that the foreclosure sale be cancelled and that I be put in contact with a representative of Wells Fargo N.A., d/b/a America's Servicing Company, to negotiate and complete the loan modification promised to the Plaintiff over two (2) years ago. I also informed the Trustee of the Plaintiff's intention to seek injunctive relief from the Circuit Court for the City of Hampton on Monday, April 16, 2012, and that a hearing had been scheduled for 10:30 a.m., on April 16, 2012.
5. The Trustee, by and through its attorneys, has been notified of the hearing via telephone, facsimile and email transmission.
6. Despite attempts to reach the Trustee, by and through its attorneys, Plaintiff's counsel received no response to her requests by midday Friday, April 13, 2012.
7. The Trustee was provided a copy of the Complaint, Notice of Hearing and Motion for Injunctive Relief, this Affidavit and a copy of a lis pendens via facsimile on Friday, April 13, 2012.

8. I have prepared the Complaint and Motion for Injunction based upon my review of the documents and information obtained from the Plaintiff herein and the facts set forth in the pleadings are true and correct to the best of my knowledge and belief.

9. There is insufficient time to obtain service of process upon the Defendants.


10. Service of all pleadings upon each Defendant in this action is being conducted through the Secretary of the Commonwealth and/or personal service via private process server upon the Defendants' Registered Agents.

11. I have used all methods available to put each Defendant on Notice of the filing of this action and the Plaintiff's Motion and Notice for Preliminary Injunction and Temporary Restraining Order.

12. The Plaintiff will suffer immediate and irreparable harm if her Motion for immediate relief is not granted.

13. No additional harm will occur to the Defendants by the Court granting Plaintiff's Motion for Temporary Restraining Order.

Under penalty of perjury, I hereby attest that the above is true and correct.

  
\_\_\_\_\_  
ROBIN ABBOTT

**MEMORANDUM OF LIS PENDENS**

Know all men that Sebreana Y. Tucker, Plaintiff in the hereafter-styled proceeding, gives notice of lis pendens, by this memorandum filed in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia, on the 13th day of April, 2012, which sets forth as follows:

There is now pending in the Circuit Court for the City of Hampton, Virginia, a certain proceeding, the style of which is Sebreana Y. Tucker, Plaintiff, v. U.S. Bank National Association, et al., Defendants, Case No. CL\_\_\_\_\_, the general object of which lawsuit challenges the authority of the Defendants to lawfully foreclose on the property that is the subject of this action and more particularly described as follows:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in the City of Hampton, Virginia, and being known, numbered, and designated as Lot 30, as shown on that certain plat entitled, "Threechopt Village, Section Two," which plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, in Plat Book 8, at Page 77.

Said property more commonly known as 474 Holloman Drive, Hampton, Virginia 23666.

Reference is hereby made to the Complaint that is filed in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia.

SEBRENA Y. TUCKER

By: 

Of Counsel

Prepared by: Robin A. Abbott, Esquire  
Consumer Litigation Associates, P.C.  
763 J. Clyde Morris Boulevard, Suite 1-A  
Newport News, VA 23601  
(757) 930-3660 Telephone  
(757) 930-3660 Facsimile

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON, PART III**

**SEBRENA Y. TUCKER,**

Plaintiff,

v.

Case No.: CL12-1002  
**JURY TRIAL DEMANDED**

**U. S. BANK NATIONAL ASSOCIATION,  
As Trustee for the Structured Asset Securities  
Corporation Mortgage Pass-Through  
Certificates, 2006-EQ1**

Serve: CT Corporation  
Registered Agent  
4701 Cox Road, Suite 301  
Gen Allen, VA 23060

**WELLS FARGO N.A., d/b/a  
AMERICAS SERVICING COMPANY,**

Serve: Corporation Service Company  
Registered Agent  
Bank of America Center, 16<sup>th</sup> Floor  
1111 E. Main Street  
Richmond, VA 23219

**EQUITY TRUSTEES, LLC,  
a Virginia Limited Liability Corporation**

Serve: Stephen B. Wood  
Registered Agent  
8100 Three Chopt Road, Room 240  
Richmond, VA 23229

Defendants.

**ALSO SERVE:**

**MORTGAGE ELECTRONIC REGISTRATION  
SERVICE, INC.,**

Serve: Sharon Horstkamp, Registered Agent  
1818 Library Street, Suite 300  
Reston, VA 20190

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON, PART III**

**SEBRENA Y. TUCKER,**

Plaintiff,

v.

Case No.: CL12-1002  
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Serve: Sharon Horstkamp, Registered Agent  
1818 Library Street, Suite 300  
Reston, VA 20190

## **COMPLAINT**

NOW COMES the Plaintiff, Sebrena Y. Tucker, by counsel, and for her Complaint against Defendants, U. S. BANK NATIONAL ASSOCIATION ("U.S. BANK"), WELLS FARGO N.A., d/b/a AMERICAS SERVICING COMPANY ("ASC"), and EQUITY TRUSTEES, LLC, ("EQUITY"), she states as follows:

### **PRELIMINARY STATEMENT**

This is an action for actual and statutory damages, costs and attorney's fees pursuant to the Real Estate and Settlement Procedures Act (RESPA), the Equal Credit Opportunity Act (ECOA), and Breach of Contract for Breach of the Implied Covenant of Good Faith and Fair Dealing.

### **Parties**

1. At all times material hereto, Plaintiff is the fee simple owner of the real property and improvements known as 474 Holloman Drive, Hampton, Virginia 23666.
2. Defendant U.S. BANK alleges it is the owner and holder of the note and trustee of the securitized trust containing the Plaintiff's mortgage and is authorized to do business in the Commonwealth of Virginia.
3. Defendant ASC is a servicer of mortgage loans and is authorized to do business in the Commonwealth of Virginia.
4. Defendant EQUITY is the alleged Substitute Trustee under Substitution of Trustee Notices, copies of which are attached as Exhibits "A" and "B" and incorporated herein for all purposes.
5. Upon information and belief, MERS is a foreign corporation authorized to do business in the Commonwealth of Virginia and is a necessary party to this action as the named

beneficiary on the note.

**Factual Background**

6. On or about May 18, 2006, Plaintiff's property was encumbered by a deed of trust to Equifirst Corporation, which upon information and belief ceased operations on or about February 20, 2009.

7. D. Wayne Moore was named as Trustee on said Deed of Trust.

8. Defendant, MERS, is the beneficiary of the note.

9. On November 1, 2009, Plaintiff was current with her mortgage payment.

10. On or about November, 2009, while current on her mortgage loan, Plaintiff received an unsolicited loan modification offer from Defendant, ASC, advising Plaintiff that it could help her to reduce the principal amount due and owing on her mortgage loan. Plaintiff was advised to not make the scheduled mortgage payments while her loan modification application was processed.

11. Plaintiff was inaccurately advised by the ASC employee that she needed to be behind on her payments in order to qualify and be eligible for the requested Home Affordable Mortgage Program ("HAMP") and advised Plaintiff not to make another payment until notified by ASC of the amount of her reduced payments under the loan modification program. ASC inaccurately represented, as it regularly does, that the consumer must be in actual default rather than simply "at risk of imminent default."

12. On or about December, 2009, ASC put Plaintiff on a reduced payment schedule for January, February, and March 2010. Said reduced payments were in the amount of \$598.99.

13. Plaintiff timely made each of the reduced payments as required by ASC.

14. Unlike payments made pursuant to Plaintiff's loan agreement with ASC, ASC did



not apply these payments to reduce, even in part, the principal balance on Plaintiff's loan, but rather placed said payments in an escrow account.

15. By placing the Plaintiff on the reduced payments and placing the monies in escrow, ASC put the Plaintiff into significant arrears in her mortgage account.

16. During the trial modification period, Plaintiff submitted documents demanded from ASC.

17. On multiple occasions ASC claimed documents had not been received and Plaintiff resubmitted the documents repeatedly.

18. Following the three month trial period, Plaintiff contacted ASC to inquire as to what payments she should then be making. ASC instructed Plaintiff to continue to make the \$598.99 payments on her mortgage account while her loan modification was being processed.

19. Plaintiff continued making payments of \$598.99 for the months of April and May, tendering an actual amount of \$600.00.

20. In June, 2010, ASC kicked Plaintiff out of the loan modification due to Plaintiff's alleged failure to provide requested documentation, documentation Plaintiff had submitted to ASC on numerous occasions.

21. In June, 2010, Plaintiff's payment of \$600.00 to ASC was returned to Plaintiff and ASC then claimed that Plaintiff's mortgage account was paid only through December, 2010, and demanded Plaintiff bring her loan current.

22. Plaintiff was never informed that she was denied the loan modification.

23. On or about June 7, 2010, upon information and belief, ASC initiated foreclosure on Plaintiff's home, which foreclosure was cancelled.

24. On or about June 12, 2010, Plaintiff filed complaints against ASC with the Better

Business Bureau, the Office of Congressman Robert Scott, the Office of the Comptroller of the Currency, the Attorney General of the Commonwealth of Virginia and the Federal Trade commission.

25. On or about July 15, 2010, ASC sent Plaintiff a "loan modification" which did lower the interest rate on Plaintiff's mortgage, but did not reduce the principal due and owing on the loan as ASC promised and included all alleged arrearages with unlawful late fees and other unlawful charges added into the loan and extended the payment terms by four years.

26. Plaintiff rejected this loan modification because her loan under the loan modification was \$8,000.00 higher than the original loan.

27. On or about September 23, 2010, ASC offered Plaintiff a "loan modification" which again did not reduce the principal due and owing on the loan and included all alleged arrearages with unlawful late fees and other unlawful charges added into the loan, and extended the payment terms by four years, five months.

28. Plaintiff rejected this loan modification because her loan under the loan modification was \$12,000.00 higher than the original loan.

29. On or about March 7, 2011, ASC offered Plaintiff a "loan modification" which again did not reduce the principal due and owing on the loan and included all alleged arrearages with unlawful late fees and other unlawful charges added into the loan, and extended the payment terms by five years, one month.

30. Plaintiff rejected this loan modification because her loan under the loan modification was \$21,000.00 higher than the original loan.

31. On or about June 9, 2011, Defendant ASC provided a delinquent notice of denial of the original HAMP modification application stating that she had been denied a loan

modification on July 13, 2010, over a month after declaring the Plaintiff as in default and initiating foreclosure activity on June 7, 2010. See attached Exhibit "C".

32. The Plaintiff is contesting the amount claimed due by the Defendants to bring the note current.

33. Upon information and belief, the Defendant ASC is unlawfully charging late fees and other unlawful charges to Plaintiff's mortgage account.

34. Upon information and belief, Defendants U.S. Bank and ASC do not have authority to conduct the foreclosure sale on Plaintiff's property or to appoint a substitute trustee under the Deed of Trust.

35. The required Notice of Lost Note provided to the Plaintiff on June 8, 2010, was not in conformity with the law of the Commonwealth of Virginia.

36. Plaintiff alleges that Equity is unlawfully acting as Substitute Trustee.

37. Upon information and belief, Plaintiff alleges that Defendant U.S. Bank and/or Defendant ASC have lost any Note which may be secured by the property and/or cannot produce the note.

38. Pleading in the alternative, Defendants have misrepresented to the Plaintiff that the note is lost by serving a lost note affidavit on the Plaintiff in order to accelerate the foreclosure upon the Plaintiff's property.

39. Upon information and belief, because Defendants do not have standing to bring the foreclosure, the foreclosure notices themselves are defective.

40. If the Trustee's Sale takes place as scheduled and the Plaintiff's property is sold, Plaintiff will suffer irreparable injury, loss and damage.

41. The Plaintiff will likely prevail at trial.

42. The Plaintiff is without other legal remedy.

43. Defendants will suffer no additional harm if injunctive relief is granted.

**COUNT 1 – BREACH OF CONTRACT FOR BREACH OF THE IMPLIED COVENANT  
OF GOOD FAITH AND FAIR DEALING**  
**(U. S. Bank and ASC)**

44. Plaintiff realleges and incorporates paragraphs 1 - 43 above as if fully set out herein.

45. A covenant of good faith and fair dealing exists in every valid Virginia contract, including notes and deeds of trust pertaining to real property such as the note and deed of trust pertaining to Ms. Tucker's property. A breach of the covenant of good faith and fair dealing is a breach of the underlying contract.

46. U.S. Bank and ASC failed to perform its duty of good faith and fair dealing with respect to Ms. Tucker by (1) falsely informing her that she had to be in default on her mortgage in order to be considered for a loan modification under HAMP; (2) falsely informing her that since she was current on her mortgage, she would have to miss a payment in order to qualify for HAMP; (3) inducing her into a HAMP loan modification application and trial payment plan without disclosing that it would consider the reduced monthly payment to be a delinquency or default that would place her loan into arrears and would trigger foreclosure; (4) instead of applying payments made under the Trial Payment Program to reduce the principal and pay the interest and escrow on her mortgage, ASC put the payments into an escrow account; (5) despite telling the Plaintiff that her application was complete, ASC sent her a letter stating that she had been kicked out of the Trial Payment Program for Plaintiff's failure to submit documentation, documentation she sent to ASC on numerous occasions; (6) failing to abide by the terms of the Note and Deed of Trust that govern the original loan; (7) failing to follow HAMP guidelines; (8)

and failing to properly safeguard and maintain important documents provided by Ms. Tucker.

47. Defendants, U.S. Bank and ASC, never intended to give the Plaintiff a loan modification, intending instead to force the Plaintiff into default on her mortgage in order to extract more monies from her than was due.

48. The "loan modifications" offered to the Plaintiff were not true modifications, only differing versions of forbearance agreements and included sums of money that were unlawfully charged to Plaintiff's mortgage account.

49. Plaintiff relied to her detriment on the representations of Defendant ASC that she would receive a reduction of the principal amount of her mortgage note as part of her loan modification.

50. U.S. Bank and ASC's breach of its duty to act in good faith and deal fairly with Ms. Tucker breached the Note and Deed of Trust.

51. Because of the breach of the implied covenant of good faith and fair dealing, U.S. Bank and ASC are not entitled to exercise the remedy of foreclosure under the Deed of Trust.

52. Ms. Tucker also suffered actual damages and is threatened with additional harm from Defendants' breach. By making trial payment plan payments both during and after the three-month trial period, Ms. Tucker lost other remedies that would be available to her in order to save her home and prevent damage to her credit reputation. For instance, she could have continued to make payments under the terms of the original note, entered into a repayment plan, restructured her debt under the bankruptcy code, sold her home or pursued other strategies.

53. To the extent that actual damages will not fully and fairly compensate Ms. Tucker, she is entitled to specific performance and other appropriate injunctive relief.

54. Ms. Tucker is entitled to actual damages, reinstatement of her mortgage, cessation

and rescission of any foreclosure activity, and specific performance of a permanent modification.

**COUNT TWO – VIOLATION OF THE EQUAL CREDIT OPPORTUNITY  
ACT, 15 U.S.C. §1691(d) and Virginia Code §59.1-21.21:1  
(U.S. Bank and ASC)**

55. Plaintiff realleges and incorporates paragraphs 1 - 54 above as if fully set out herein.

56. Plaintiff's application for a loan modification with regard to her mortgage loan secured by her personal residence was a completed application for credit wherein Plaintiff was asking U.S. Bank and ASC for more favorable credit terms.

57. Upon information and belief, it was U.S. Bank and ASC's policy not to send timely notice letters to consumers when it denied their applications and U.S. Bank and ASC failed to provide Plaintiff with such notice within 30 days of its adverse action.

58. U.S. Bank and ASC also failed to provide the statutory disclosures required by the ECOA to Plaintiff.

59. The above-alleged actions and omissions of the Defendants, U.S. Bank and ASC, violated ECOA, 15 U.S.C. §1691(d) and the Virginia Equal Credit Opportunity Act (VAECOA), Virginia Code §59.1-21.21:1. The Plaintiff is entitled to attorney's fees and costs pursuant to 15 U.S.C. §1691(e) and Virginia Code §59.1-21.23.

60. Defendants, U.S. Bank and ASC are liable to Plaintiff for punitive damages of \$10,000.00 per violation pursuant to Virginia Code §59.1-21.23. The Defendants violation was without legal justification and greatly impacted the Plaintiff.

61. The Plaintiff is entitled to declaratory and injunctive relief requiring the Defendants' compliance with the ECOA pursuant to 15 U.S.C. §1691(e).

**COUNT THREE – VIOLATION OF THE REAL ESTATE  
AND SETTLEMENT PROCEDURES ACT, 12 U.S.C. §2605(e)**

62. Plaintiff realleges and incorporates paragraphs 1 - 61 above as if fully set out herein.

63. On one or more occasions within two years prior to the filing of this suit, by example only and without limitation, the Plaintiff made multiple qualified written requests to ASC insisting that it process her loan modification as promised and otherwise provide information regarding her loan.

64. On each occasion in which the Plaintiff did make her qualified written request, ASC violated the Real Estate and Settlement Procedures Act, 12 U.S.C. §2605(e) by:

- a. Failing to timely or at all provide a written notice of receipt of inquiry;
- b. Failing to timely or at all to conduct an appropriate investigation of the Plaintiff's inquiry;
- c. Failing to timely or at all to provide the Plaintiff a true and correct written explanation or clarification;
- d. Continued to report information regarding allegedly overdue payments to the national credit bureaus.

65. As a result of the conduct, actions and inactions of ASC, the Plaintiff suffered actual damages including without limitation, by example only and as described herein on Plaintiff's behalf by counsel: damage to reputation, embarrassment, humiliation and other emotional and mental distress.

66. ASC is liable for actual damages in an amount to be determined by the Court pursuant to 12 U.S.C. §2605(f).

67. ASC is also liable to the Plaintiff for additional damages up to \$1,000.00 per violation of 12 U.S.C. §2605(e).

68. The Plaintiff is entitled to recover costs and attorney's fees from ASC in an amount to be determined by the Court pursuant to 12 U.S.C. §2605(f)(3).

WHEREFORE, Plaintiff respectfully requests the following relief:

a. Enter a judgment declaring the acts and practices of Defendants, U.S. Bank and ASC, complained of herein, to constitute a breach of contract and breach of the covenant of good faith and fair dealings;

b. Grant a preliminary injunction and/or temporary restraining order against the Defendants, U.S. Bank, ASC, and Equity, enjoining Defendants from conducting the Trustee's Sale and foreclosure of Plaintiff's property at 474 Holloman Drive, Hampton, Virginia 23666, on April 16, 2012, at 12:05 p.m.;

c. Grant a permanent or final injunction enjoining Defendants' agents, and employees, affiliates and subsidiaries, from continuing to harm Plaintiff;

d. Order the Defendants, U.S. Bank and ASC, to adopt and enforce a policy that requires appropriate training of its employees and agents regarding their duties under HAMP;

e. Order specific performance of Defendant's contractual obligations together with other relief required by the contract and law;

f. Order the Defendants, U.S. Bank and ASC, to provide a full accounting of Plaintiff's mortgage loan,

g. Order the Defendants U.S. Bank and Equity to show lawful authority to conduct a foreclosure of Plaintiff's property and order the Defendant U.S. Bank to produce the note or in the alternative to show to this Honorable Court what actions it has taken to obtain the original note;

h. Award actual damages of \$100,000.00;



- i. Award statutory damages in the amount of \$1,000.00 per violation of the Real Estate Settlement and Procedures Act;
- j. Award \$10,000.00 in damages for violation of the Equal Credit Opportunity Act;
- k. Award punitive damages in the amount of \$100,000.00;
- l. Award Plaintiff and her counsel attorney's fees and costs of this action, including the fees and costs of experts; and
- m. Grant Plaintiff such other and further relief as this Court finds necessary and proper.

**TRIAL BY JURY IS DEMANDED.**

SEBRENA Y. TUCKER

By: 

Of Counsel

Leonard A. Bennett, Esquire (VSB #37523)  
 Robin A. Abbott, Esquire (VSB #46596)  
 Gary L. Abbott, Esquire (VSB #68829)  
 CONSUMER LITIGATION ASSOCIATES, P.C.  
 763 J. Clyde Morris Boulevard, Suite 1-A  
 Newport News, Virginia 23601  
 (757) 930-3660  
 (757) 930-3662 facsimile  
*Counsel for Plaintiff*

Filed in the Clerk's office this 13<sup>th</sup> day  
 of April, 2012

|     |                     |               |
|-----|---------------------|---------------|
| 049 | Writ Tax            | <u>25.00</u>  |
| 104 | Sp Exp-Tag/Cwp      | <u>9.00</u>   |
| 123 | Legal Aid           | <u>10.00</u>  |
| 170 | Court Tech Fund     | <u>2.00</u>   |
| 229 | CHMF                | <u>5.00</u>   |
| 106 | Tech Trust Fund     | <u>1.00</u>   |
| 206 | Sheriff             | <u>2.00</u>   |
| 147 | Indigent Assistance | <u>2.00</u>   |
| 219 | Law Library         | <u>344.00</u> |
| 304 | Clerk Civil Fee     | <u>5.00</u>   |
| 237 | Miscellaneous       | <u>5.00</u>   |
| 509 | Other               | <u>5.00</u>   |
|     | TOTAL               | <u>394.00</u> |

LINDA BATCHELOR SMITH, CLERK

**CERTIFICATE OF SERVICE**

 Deputy Clerk

I hereby certify that a true and correct copy of the above and foregoing instrument has been faxed to Stephen B. Wood, 8100 Three Chopt Road, Room 240, Richmond, VA 23229, this 13th day of April, 2012.

  
 Of Counsel

PREPARED BY:

Tax ID# 3001672  
BWW#: 108029

AFTER RECORDING, PLEASE RETURN TO:  
BWW Law Group, LLC  
4520 East West Highway, Suite 200  
Bethesda, MD 20814

### DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEE

THIS DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEE, is made this 3<sup>rd</sup> day of February, 2012, by and among US Bank National Association, as Trustee for the Structured Asset Securities Corporation Mortgage Pass-Through Certificates, 2006-EQ1 party of the first part, and EQUITY TRUSTEES, LLC., a Virginia Limited Liability Company of 8100 Three Chopt Road, Suite 240, Richmond, VA 23229 ("Substitute Trustees"), party of the second part.

WHEREAS, Sebrena Y. Tucker by Deed of Trust dated May 18, 2006, and recorded prior hereto in the Office of the Clerk of the Circuit Court for Hampton City, Virginia in Instrument No. 060013047, did grant and convey certain real estate known as:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, AND BEING KNOWN, NUMBERED AND DESIGNATED AS LOT 30, AS SHOWN ON THAT CERTAIN PLAT ENTITLED, "THREECHOPT VILLAGE, SECTION TWO", WHICH PLAT IS DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA IN PLAT BOOK 8, AT PAGE 77.

Known as: 474 Holloman Drive, Hampton, VA 23666

in trust, to secure to EquiFirst Corporation, payment of a note ("Note") of even date therewith in the original principal amount of \$108,000.00 ; and

WHEREAS, said Deed of Trust provides that the holder of the Note shall have the power and authority to appoint substitute trustee(s) in the place and stead of the trustee(s) named therein; and

NOW, THEREFORE WITNESSETH, in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the party of the first part by the execution and delivery of these presents, hereby appoint Equity Trustees, LLC, a Virginia Limited Liability Company, as Substitute Trustees under the said Deed of Trust in the place and stead of D. Wayne Moore the Trustee or Trustees originally named therein, or in place of any other trustee or trustees who have heretofore been substituted for the originally named trustee or trustees, the said substitute trustees being vested with all of the right, title and interest and clothed with all the rights, powers and privileges of the Trustee or Trustees originally named in said Deed of Trust.

BOOK #  
CITY OF HAMPTON, VA

2012 APR 13 PM 1:03

EX. A

BWW#: 108029

IN WITNESS WHEREOF, US Bank National Association, as Trustee for the Structured Asset Securities Corporation Mortgage Pass-Through Certificates, 2006-EQ1 has caused this Deed of Appointment of Substitute Trustee to be executed, by the authorized agent of Wells Fargo Bank, NA on 3<sup>rd</sup> day of February, 2012.

US Bank National Association, as Trustee for the  
Structured Asset Securities Corporation Mortgage  
Pass-Through Certificates, 2006-EQ1  
By Wells Fargo Bank, NA d/b/a America's  
Servicing Company, as servicing agent

LaQuitta L. Clayton

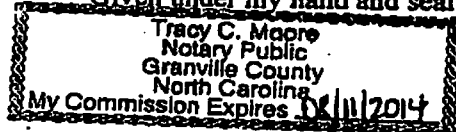
LaQuitta L. Clayton

Vice President of Loan Documentation

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, Tracy C Moore, a Notary Public in and for the State and County  
aforesaid, do hereby certify that LaQuitta L. Clayton, for Wells  
Fargo Bank, NA d/b/a America's Servicing Company, as servicing agent for US Bank National  
Association, as Trustee for the Structured Asset Securities Corporation Mortgage Pass-Through  
Certificates, 2006-EQ1, personally appeared before me in the jurisdiction aforesaid and executed  
the foregoing Deed of Appointment of Substitute Trustee.

Given under my hand and seal this 3<sup>rd</sup> day of February, 2012.



My Commission Expires: 08/11/2014

Tracy C Moore  
Notary Public

PREPARED BY:

AFTER RECORDING, PLEASE RETURN TO:

Bicrman, Gessing, Ward & Wood, LLC  
4520 East West Highway, Suite 200  
Bethesda, MD 20814

Tax ID# 3001672

BGWW#: 108029

### DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEE

THIS DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEE, is made this 10<sup>th</sup> day of June 2010, by and among US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, 2006-BQ1 ("US BANK NATIONAL ASSOCIATION"), party of the first part, and EQUITY TRUSTEES, LLC., a Virginia Limited Liability Company of 2020 N. 14th Street, Suite 750, Arlington, VA 22201 ("Substitute Trustees"), party of the second part.

WHEREAS, Sebrina Y. Tucker by Deed of Trust dated May 18, 2006, and recorded in the Office of the Clerk of the Circuit Court for Hampton City, Virginia in Instrument No. 060013047 did grant and convey certain real estate known as:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN THE CITY OF HAMPTON, VIRGINIA, AND BEING KNOWN, NUMBERED AND DESIGNATED AS LOT 30, AS SHOWN ON THAT CERTAIN PLAT ENTITLED, "THREECHOPT VILLAGE, SECTION TWO", WHICH PLAT IS DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HAMPTON, VIRGINIA IN PLAT BOOK 8, AT PAGE 77.

Known as: 474 Holloman Drive, Hampton, VA 23666

in trust, to secure to EquiFirst Corporation, payment of a note ("Note") of even date therewith in the original principal amount of \$108,000.00; and

WHEREAS, said Deed of Trust provides that the holder of the Note shall have the power and authority to appoint substitute trustee(s) in the place and stead of the trustee(s) named therein; and

WHEREAS, the party of the first part is the owner and holder of the note secured by said Deed of Trust.

NOW, THEREFORE WITNESSETH, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the party of the first part by the execution and delivery of these presents, hereby appoint Equity Trustees, LLC, a Virginia Limited Liability Company, as Substitute Trustees under the said Deed of Trust in the place and stead of D. WAYNE MOORE the Trustee or Trustees originally named therein, or in place of any other trustee or trustees who have heretofore been substituted for the originally named trustee or trustees, the said substitute trustees being vested with all of the right, title and interest and clothed with all the rights, powers and privileges of the Trustee or Trustees originally named in said Deed of Trust.

BOOK 11  
PAGE 11  
CITY OF HAMPTON, VA.

2012 APR 13 PM 1:03

SEP 23 2010




EX. B

BGWVW: 108029

IN WITNESS WHEREOF, US Bank National Association, as Trustee for the Structured Asset Securities Corporation Mortgage Pass-Through Certificates, 2006-EQ1 has caused this Deed of Appointment of Substitute Trustee to be executed on 10th day of June, 2010, by the authorized agent of Wells Fargo Home Mortgage, Inc..

US Bank National Association, as Trustee for the  
Structured Asset Securities Corporation Mortgage Pass-  
Through Certificates, 2006-EQ1

By: Wells Fargo Home Mortgage, Inc., as servicing  
agent

  
\_\_\_\_\_  
ANNE NEELY VP of Loan Documentation

STATE OF South Carolina )  
COUNTY OF York ) ss.

I, Mary J Tramble, a Notary Public in and for the State and County aforesaid, do hereby certify that ANNE NEELY, authorized agent of Wells Fargo Home Mortgage, Inc., Authorized Servicing Agent for US Bank National Association, as Trustee for the Structured Asset Securities Corporation Mortgage Pass-Through Certificates, 2006-EQ1, personally appeared before me in the jurisdiction aforesaid and executed the foregoing Deed of Appointment of Substitute Trustee.

Given under my hand and seal this 10th day of June, 2010.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



SEP 23 2010

AMERICA'S SERVICING COMPANY  
MAC Code X9999-01N  
1000 BLUE GENTIAN RD., STE 300  
EAGAN, MN 55121



June 09, 2011

SEBRENA Y TUKCER

474 HOLLOMAN DR  
HAMPTON, VA 23666

**Account Information**

Fax: (866) 359-7363  
Mortgage Representative: Brokers Price Opinion Interior  
Telephone: 0 ext. 108000  
Correspondence: MAC Code X9999-01N  
1000 Blue Gentian Rd., Ste 300  
Eagan, MN 55121  
Loan Number: 106-1100209373  
Property Address: 474 HOLLOMAN DR  
HAMPTON, VA 23666

Dear Mr/Mrs Borrower:

During the course of our ongoing review of loans, we realized we neglected to send you a formal denial letter in regards to your loan modification application for the federal government's *Home Affordable Modification Program* (HAMP).

We apologize for this oversight, but regret to inform you that your loan was not eligible for HAMP. Your original date of denial was on 7/13/2010, and the reason for your denial was due to your negative Net Present Value (NPV) status, which is explained in further detail in the letter attached.

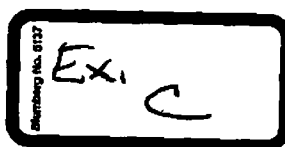
If you have any questions about the information in this letter, please call us. Our representatives are available at the phone number listed in the account information section at the top of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Kerri Crabtree".

Kerri Crabtree  
Senior Vice President, Servicing  
America's Servicing Company

BOOK # \_\_\_\_\_  
CITY OF HAMPTON, VA  
2012 APR 13 PM 1:03  
P. J. PATCHEL OR SMITH



**COMMONWEALTH OF VIRGINIA**



**HAMPTON CIRCUIT COURT**  
Civil Division  
101 KING'S WAY/PO BOX 40  
HAMPTON VA 23669-0040  
(757) 727-6105

Virginia:  
In the HAMPTON CIRCUIT COURT

Proof of Service

Case number: 650CL12001002-00  
Service number: 001  
Service filed: April 13, 2012  
Judge: BLJ

Served by: SPECIAL PROCESS SERVER  
Style of case: SEBRENA Y TUCKER vs US BANK NATIONAL ASSOCIATION  
Service on: U.S. BANK NATIONAL ASSOCIATION

CT CORPORATION  
REGISTERED AGENT  
4701 COX ROAD SUITE 301  
GLEN ALLEN VA 23060

Attorney: ABBOTT, ROBIN  
763 J CLYDE MORRIS BOULEVARD  
SUITE 1-A  
NEWPORT NEWS VA 23601

**Instructions:**

Returns shall be made hereon, showing service of Summons issued Friday, April 13, 2012 with a copy of the Complaint filed Friday, April 13, 2012 attached.

Hearing date : Monday, April 16, 2012 at 10:30AM

Service issued: Friday, April 13, 2012

---

For Sheriff Use Only

**FILED**  
2012 MAY -2 PM 12:50  
CIRCUIT COURT OF THE  
COMMONWEALTH OF VIRGINIA  
LINDA B. SMITH, CLERK  
BY: \_\_\_\_\_ D.C.

**The Marston Agency, Inc.**

11535 Nuckols Road, Suite A

Glen Allen, VA 23059

(800) 308-7790 - (804) 967-9300 (Richmond)

04/19/12

**RETURN ON SERVICE**

**Plaintiff:** Sebreana Y Tucker  
**Defendant:** US Bank National Association  
**Serve:** US Bank National Association  
 4701 Cox Rd. Suite 301  
 R/A CT Corp. System  
 Glen Allen, VA 23060  
**Contact:** Robin A. Abbott  
 12515 Warwick Blvd, Ste 100  
 Newport News, VA 23606

**Court:** Hampton Circuit Court - Law  
**Case:** CL12001002-00  
**Return Date:**  
**Time:**

**Phone:** 7579303660

**Type(s) of Writ(s)**

paper:1428322

**Summons and Complaint**

Witness/Defendant US Bank National Association was served according to law, as indicated below:

☐ **PERSONAL** By delivering a copy of the above described process in writing to him/her in person.☐ **SUBSTITUTE** Being unable to make personal service and not finding the above mentioned person at his/her usual place of abode by delivering a copy of the said process and giving information of it's purport at his usual place of abode to \_\_\_\_\_ who is a member of his/her family and is the \_\_\_\_\_ of the above mentioned person, other than a temporary sojourner or guest, and who is the age of 16 years or older.☐ **POSTED** Being unable to make a personal service and not finding the above mentioned person at his/her usual place of abode nor any member of his/her family the age of 16 years or older at said abode by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode.☒ **BUSINESS** At usual place of business or employment during business hours, by delivering the above specified paper(s) and giving information of it's purport to the person found there in charge of such business or place of employment.☒ Copy mailed to judgement debtor on the date below after serving the garnishee unless a different date is shown below.☐ Certified Mail☐ Not Found☐ Served on Secretary of the CommonwealthI, William Marston hereby certify under penalty of perjury that I am over the age of 18 and not a party or otherwise interested in the subject matter in controversy.Served Date: 4/24/12Served Time: 0930Signature of Process Server [Signature]**Notary**State of: VirginiaCounty/City of: Henrico, Norfolk, Prince William.I, the undersigned, a Notary Public in and for the above-mentioned jurisdiction, hereby certify that before me appeared the Process Server, who, under oath, stated that service was made as stated above. Sworn and subscribed before me this 1 day of April 2012.Notary Public: [Signature]

Type of Service: A    Auth Attempts: 1    Order: 268294    1 Day Rush: No    2 Day Rush: No  
 Attempts                      -1-                      -2-                      -3-                      -4-                      -5-                      -6-

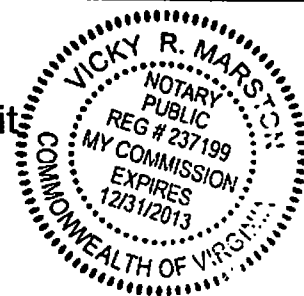
|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| Date:   |  |  |  |  |  |  |
| Time:   |  |  |  |  |  |  |
| Server: |  |  |  |  |  |  |

REMARKS -

Dacia Jamison, per affidavit

FILED

2012 MAY -2 PM 12:50

CIRCUIT COURT'S OFFICE  
CITY OF HAMPTON, VA  
LINDA B. SMITH, CLERKBY: D.C.



### Service Authorization

CI Corporation System is registered agent for various corporations, limited liability companies and partnerships. The following persons are designated in the office of the corporation upon whom any process, notice or demand may be served as representatives of the Corporation.

Tinika C. Baylor

Katie E. Bush

Teresa Brown

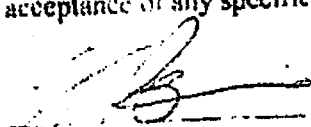
Adam Carr

Dacia Jamison

Jabrel Samuel

Tylee Puryear

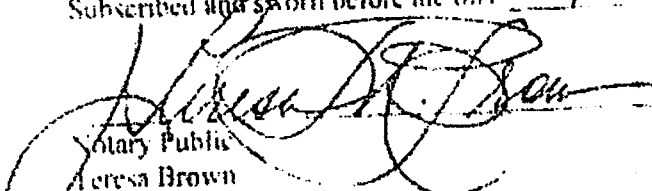
This authorization pertains to the authority of individuals to receive process on behalf of CI Corporation System and Business Filings Incorporated. It does not certify the receipt or acceptance of any specific process.

  
Tinika C. Baylor  
Corporate Operations Manager  
CI Corporation System  
A Wolters Kluwer Company

State of Virginia  
County of Henrico

This day personally appeared before me, Tinika C. Baylor, whose name is signed above and who, being first duly sworn, upon her oath, states that the foregoing Affidavit is true to the best of her knowledge and belief.

Subscribed and sworn before me this 9 day of Dec, 2011

  
Notary Public  
Teresa Brown

#286804



**COMMONWEALTH OF VIRGINIA**



HAMPTON CIRCUIT COURT  
Civil Division  
101 KING'S WAY/PO BOX 40  
HAMPTON VA 23669-0040  
(757) 727-6105

Virginia:  
In the HAMPTON CIRCUIT COURT

Proof of Service

Case number: 650CL12001002-00  
Service number: 002  
Service filed: April 13, 2012  
Judge: BLJ

Served by: SPECIAL PROCESS SERVER  
Style of case: SEBRENA Y TUCKER vs US BANK NATIONAL ASSOCIATION

Service on: WELLS FARGO N.A.  
D/B/A AMERICAS SERVICING COMPA  
CORPORATION SERVICE COMPANY  
REGISTERED AGENT  
1111 E. MAIN STREET, 16TH FLOOR  
RICHMOND VA 23219

Attorney: ABBOTT, ROBIN  
763 J CLYDE MORRIS BOULEVARD  
SUITE 1-A  
NEWPORT NEWS VA 23601

**Instructions:**

Returns shall be made hereon, showing service of Summons issued Friday, April 13, 2012 with a copy of the Complaint filed Friday, April 13, 2012 attached.

Hearing date : Monday, April 16, 2012 at 10:30AM

Service issued: Friday, April 13, 2012

---

For Sheriff Use Only

FILED  
2012 MAY -2 PM 12:50  
CLERK  
LINDA B. SMITH, CLERK  
BY: \_\_\_\_\_ D.C.

**The Marston Agency, Inc.**

11535 Nuckols Road, Suite A

Glen Allen, VA 23059

(800) 308-7790 - (804) 967-9300 (Richmond)

04/19/12

**RETURN ON SERVICE**

**Plaintiff:** Sebrina Y Tucker  
**Defendant:** US Bank National Association  
**Serve:** Wells Fargo, NA d/b/a Americas Servicing Company  
 1111 East Main Street, 16th Floor  
 R/A Corp. Service Company  
 Richmond, VA 23219  
**Contact:** Robin A. Abbott  
 12515 Warwick Blvd, Ste 100  
 Newport News, VA 23606

**Court:** Hampton Circuit Court - Law  
**Case:** CL12001002-00  
**Return Date:**  
**Time:**

**Phone:** 7579303660

**Type(s) of Writ(s)**

paper:1428320

**Summons and Complaint**

Witness/Defendant Wells Fargo, NA d/b/a Americas Servicing Company was served according to law, as indicated below:

- ( ) **PERSONAL** By delivering a copy of the above described process in writing to him/her in person.  
 ( ) **SUBSTITUTE** Being unable to make personal service and not finding the above mentioned person at his/her usual place of abode by delivering a copy of the said process and giving information of it's purport at his usual place of abode to \_\_\_\_\_ who is a member of his/her family and is the \_\_\_\_\_ of the above mentioned person, other than a temporary sojourner or guest, and who is the age of 16 years or older.  
 ( ) **POSTED** Being unable to make a personal service and not finding the above mentioned person at his/her usual place of abode nor any member of his/her family the age of 16 years or older at said abode by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode.  
 (X) **BUSINESS** At usual place of business or employment during business hours, by delivering the above specified paper(s) and giving information of it's purport to the person found there in charge of such business or place of employment.  
 ( ) Copy mailed to judgement debtor on the date below after serving the garnishee unless a different date is shown below.  
 ( ) Certified Mail  
 ( ) Not Found  
 ( ) Served on Secretary of the Commonwealth

I, William Marston hereby certify under penalty of perjury that I am over the age of 18 and not a party or otherwise interested in the subject matter in controversy.

**Served Date:** 4/24/12 **Served Time:** 1130

Signature of Process Server

**Notary**

**State of:** Virginia **County/City of:** Henrico, Norfolk, Prince William.

I, the undersigned, a Notary Public in and for the above-mentioned jurisdiction, hereby certify that before me appeared the Process Server, who, under oath, stated that service was made as stated above. Sworn and subscribed before me this 1 day of Apr/May 2012

Notary Public:

**Type of Service:** A **Auth Attempts:** 1 **Order:** 268294 **1 Day Rush:** No **2 Day Rush:** No

| Attempts | -1- | -2- | -3- | -4- | -5- | -6- |
|----------|-----|-----|-----|-----|-----|-----|
| Date:    |     |     |     |     |     |     |
| Time:    |     |     |     |     |     |     |
| Server:  |     |     |     |     |     |     |

REMARKS -

Rene Nordquist, per affidavit

FILED

2012 MAY -2 PM 12:50

CIRCUIT CLERK'S OFFICE  
CITY OF HAMPTON, VA  
LINDA B. SMITH, CLERK

BY: \_\_\_\_\_ D.C.



**CERTIFICATE  
OF  
CORPORATION SERVICE COMPANY**

**THIS CERTIFICATE MADE** pursuant to Subsection 2(b) of Section 13.1-634, Subsection 2(b) of Section 13.1-763, Subsection 2(b) of Section 13.1-1015 and Section 50-73.4 of the Virginia Code.

**CORPORATION SERVICE COMPANY**, a corporation authorized to do business in the Commonwealth of Virginia, does hereby certify that:

1. It is incorporated under the Laws of the State of Delaware and was authorized to do business in Virginia on June 1, 2001.
2. (a) It maintains a business office in the Commonwealth of Virginia at Bank of America Center, 16th Floor, 1111 East Main Street, Richmond, VA 23219  
  
(b) Service of process may be made at such business office in the City of Richmond upon corporations, limited liability companies, partnerships, trusts and other entities, associations and persons which have designated it as agent for service of process.  
  
(c) The names of the individuals authorized to receive process served upon Corporation Service Company as the agent for service of process of any corporations, limited liability companies, partnerships, trust and other entities, associations and persons which have designated it as such agent are:  
Beverley L. Crump                      Rene Nordquist                      Meda Sterrett  
Nicole T. McCallum                      Pamela Frazier                      Linda B. Liles  
Amy Tarker                      Kari Childress                      John Isom  
Dustin Kline

**WHEREFORE**, Corporation Service Company has caused its corporate name to be hereunto subscribed this 29 day of April 2011.

CORPORATION SERVICE COMPANY

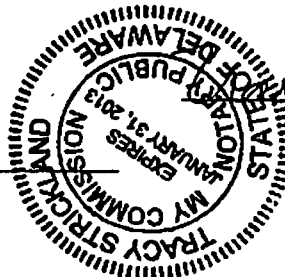
BY: \_\_\_\_\_

George A. Massih III, Vice President

STATE OF DELAWARE  
COUNTY OF NEW CASTLE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of April 2011, by George A. Massih III.

My Commission Expires: 1-31-13



\_\_\_\_\_  
Notary Public

## COMMONWEALTH OF VIRGINIA



HAMPTON CIRCUIT COURT  
Civil Division  
101 KING'S WAY/PO BOX 40  
HAMPTON VA 23669-0040  
(757) 727-6105

Virginia:  
In the HAMPTON CIRCUIT COURT

Proof of Service

Case number: 650CL12001002-00  
Service number: 003  
Service filed: April 13, 2012  
Judge: BLJ

Served by: SPECIAL PROCESS SERVER  
Style of case: SEBRENA Y TUCKER vs US BANK NATIONAL ASSOCIATION

Service on: EQUITY TRUSTEES LLC  
STEPHEN B. WOOD  
REGISTERED AGENT  
8100 THREE CHOPT ROAD  
ROOM 240  
RICHMOND VA 23229

Attorney: ABBOTT, ROBIN  
763 J CLYDE MORRIS BOULEVARD  
SUITE 1-A  
NEWPORT NEWS VA 23601

### Instructions:

Returns shall be made hereon, showing service of Summons issued Friday, April 13, 2012 with a copy of the Complaint filed Friday, April 13, 2012 attached.

Hearing date : Monday, April 16, 2012 at 10:30AM

Service issued: Friday, April 13, 2012

---

For Sheriff Use Only

FILED  
2012 APR 26 AM 11:49  
CIRCUIT CLERK  
LINDA E. SMITH, CLERK  
BY: \_\_\_\_\_ D.C.

**The Marston Agency, Inc.**

11535 Nuckols Road, Suite A

Glen Allen, VA 23059

(800) 308-7790 - (804) 967-9300 (Richmond)

04/19/12

**RETURN ON SERVICE**

**Plaintiff:** Sebrina Y Tucker  
**Defendant:** US Bank National Association  
**Serve:** Equity Trustees, LLC  
 8100 Three Chopt Road  
 R/A: Stephen B. Wood  
 Richmond, VA 23229  
**Contact:** Robin A. Abbott  
 12515 Warwick Blvd, Ste 100  
 Newport News, VA 23606

**Court:** Hampton Circuit Court - Law  
**Case:** CL12001002-00  
**Return Date:**  
**Time:**

**Phone:** 7579303660

**Type(s) of Writ(s)**

paper:1428321

**Summons and Complaint**

Witness/Defendant Equity Trustees, LLC was served according to law, as indicated below:

☒ **PERSONAL** By delivering a copy of the above described process in writing to him/her in person.☐ **SUBSTITUTE** Being unable to make personal service and not finding the above mentioned person at his/her usual place of abode by delivering a copy of the said process and giving information of it's purport at his usual place of abode to \_\_\_\_\_ who is a member of his/her family and is the \_\_\_\_\_ of the above mentioned person, other than a temporary sojourner or guest, and who is the age of 16 years or older.☐ **POSTED** Being unable to make a personal service and not finding the above mentioned person at his/her usual place of abode nor any member of his/her family the age of 16 years or older at said abode by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode.☐ **BUSINESS** At usual place of business or employment during business hours, by delivering the above specified paper(s) and giving information of it's purport to the person found there in charge of such business or place of employment.☐ Copy mailed to judgement debtor on the date below after serving the garnishee unless a different date is shown below.☐ Certified Mail☐ Not Found☐ Served on Secretary of the CommonwealthI, EL Tutwiler hereby certify under penalty of perjury that I am over the age of 18 and not a party or otherwise interested in the subject matter in controversy.**Served Date:** 4-24-12 **Served Time:** 09:18

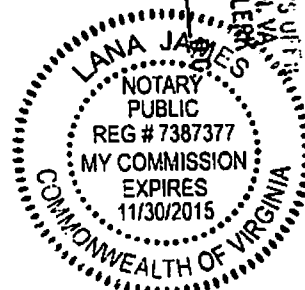
Signature of Process Server

**Notary****State of:** Virginia**County/City of:** Henrico Norfolk, Prince William.I, the undersigned, a Notary Public in and for the above-mentioned jurisdiction, hereby certify that before me appeared the Process Server, who, under oath, stated that service was made as stated above. Sworn and subscribed before me this 25 day of Apr May 20 12**Notary Public:** [Signature]

**Type of Service:** A **Auth Attempts:** 1 **Order:** 268294 **1 Day Rush:** No **2 Day Rush:** No

**Attempts** **-1-** **-2-** **-3-** **-4-** **-5-** **-6-**

|                |  |  |  |  |  |
|----------------|--|--|--|--|--|
| <b>Date:</b>   |  |  |  |  |  |
| <b>Time:</b>   |  |  |  |  |  |
| <b>Server:</b> |  |  |  |  |  |

**REMARKS -**

2012 APR 26 AM 11:49  
 CIRCUIT COURT OF HAMPTON, VA  
 CLERK'S OFFICE  
 LANA J. SMITH, CLERK

## COMMONWEALTH OF VIRGINIA



HAMPTON CIRCUIT COURT  
Civil Division  
101 KING'S WAY/PO BOX 40  
HAMPTON VA 23669-0040  
(757) 727-6105

Virginia:  
In the HAMPTON CIRCUIT COURT

Proof of Service

Case number: 650CL12001002-00  
Service number: 005  
Service filed: April 13, 2012  
Judge: BLJ

Served by: SPECIAL PROCESS SERVER  
Style of case: SEBRENA Y TUCKER vs US BANK NATIONAL ASSOCIATION

Service on: MORTGAGE ELECTRONIC  
REGISTRATION SERVICE, INC  
SHARON HORSTKAMP  
REGISTERED AGENT  
1818 LIBRARY ST, SUITE 300  
RESTON VA 20190

Attorney: ABBOTT, ROBIN  
763 J CLYDE MORRIS BOULEVARD  
SUITE 1-A  
NEWPORT NEWS VA 23601

### Instructions:

Returns shall be made hereon, showing service of Summons issued Friday, April 13, 2012 with a copy of the Complaint filed Friday, April 13, 2012 attached.

Hearing date : Monday, April 16, 2012 at 10:30AM

Service issued: Friday, April 13, 2012

---

For Sheriff Use Only

FILED  
2012 MAY -2 PM 12:48  
CIRCUIT CLERK  
LINDA H. SMITH, CLERK  
BY: \_\_\_\_\_  
D.C.

**The Marston Agency, Inc.**

11535 Nuckols Road, Suite A

Glen Allen, VA 23059

(800) 308-7790 - (804) 967-9300 (Richmond)

04/19/12

**RETURN ON SERVICE**

**Plaintiff:** Sebrina Y Tucker  
**Defendant:** US Bank National Association  
**Serve:** Mortgage Electronic Registration Service, Inc  
 1818 Library St, Ste 300  
 R/A: Sharon Horstkamp  
 Reston, VA 20190  
**Contact:** Robin A. Abbott  
 12515 Warwick Blvd, Ste 100  
 Newport News, VA 23606

**Court:** Hampton Circuit Court - Law  
**Case:** CL12001002-00  
**Return Date:**  
**Time:**  
**Phone:** 7579303660

**Type(s) of Writ(s)**

paper:1428323

**Summons and Complaint**

Witness/Defendant Mortgage Electronic Registration Service, Inc was served according to law, as indicated below:

- ( ) **PERSONAL** By delivering a copy of the above described process in writing to him/her in person.
- ( ) **SUBSTITUTE** Being unable to make personal service and not finding the above mentioned person at his/her usual place of abode by delivering a copy of the said process and giving information of it's purport at his usual place of abode to \_\_\_\_\_ who is a member of his/her family and is the \_\_\_\_\_ of the above mentioned person, other than a temporary sojourner or guest, and who is the age of 16 years or older.
- ( ) **POSTED** Being unable to make a personal service and not finding the above mentioned person at his/her usual place of abode nor any member of his/her family the age of 16 years or older at said abode by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode.
- ☒ **BUSINESS** At usual place of business or employment during business hours, by delivering the above specified paper(s) and giving information of it's purport to the person found there in charge of such business or place of employment.
- ( ) Copy mailed to judgement debtor on the date below after serving the garnishee unless a different date is shown below.
- ( ) Certified Mail
- ( ) Not Found
- ( ) Served on Secretary of the Commonwealth

I, G. Timbers hereby certify under penalty of perjury that I am over the age of 18 and not a party or otherwise interested in the subject matter in controversy.

Served Date: 4-27-12 Served Time: 1235

[Signature]  
Signature of Process Server

**Notary**

State of: Virginia County/City of: Henrico, Norfolk, Prince William.

I, the undersigned, a Notary Public in and for the above-mentioned jurisdiction, hereby certify that before me appeared the Process Server, who, under oath, stated that service was made as stated above. Sworn and subscribed before me this 27 day of Apr/May 2012

Notary Public: [Signature]

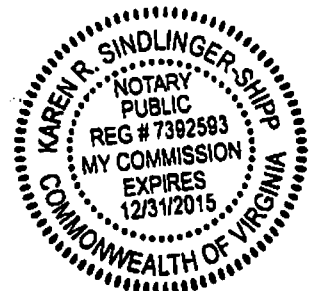
Type of Service: A    Auth Attempts: 1    Order: 268294    1 Day Rush: No    2 Day Rush: No

Attempts    -1-    -2-    -3-    -4-    -5-    -6-

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| Date:   |  |  |  |  |  |  |
| Time:   |  |  |  |  |  |  |
| Server: |  |  |  |  |  |  |

REMARKS -

Mens- 703-761-1270 - ext. #6  
Brian Blake - Legal





**COMMONWEALTH OF VIRGINIA****OFFICIAL RECEIPT**
**HAMPTON CIRCUIT COURT  
CIVIL**

DATE: 04/13/12 TIME: 12:54:51 ACCOUNT: 650CL12001002-00 RECEIPT: 12000011664

CASHIER: EDD REG: MQ35 FILING: COM TYPE: FULL PAYMENT

CASE COMMENTS: TUCKER, SEBRENA Y V. US BANK NATIONAL ASSOCI

SUIT AMOUNT: \$230,000.00

ACCT OF: TUCKER, SEBRENA Y

RECD: TUCKER, SEBRENA Y

CHECK: \$294.00

DESCRIPTION 1: PART 3 JUDGE JONES

2: PLAINTIFF: TUCKER, SEBRENA Y

3: NO HEARING SCHEDULED

| CODE DESCRIPTION     | PAID  | CODE DESCRIPTION        | PAID   |
|----------------------|-------|-------------------------|--------|
| 049 WRIT TAX - CIVIL | 25.00 | 106 TECHNOLOGY TRST FND | 5.00   |
| 123 LEGAL AID FEE    | 9.00  | 147 INDIGENT ASSISTANCE | 1.00   |
| 170 COURT TECH FUND  | 10.00 | 219 LAW LIBRARY         | 2.00   |
| 229 CHMF             | 2.00  | 304 CLERK CIVIL FEE     | 240.00 |

TENDERED : 294.00

RECEIPT COPY 1 OF 1

CHANGE AMT : .00

CLERK OF COURT: LINDA B. SMITH